



# COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services  
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: 012-029/12315-00000-00300  
Date Received: 6/5/12  
Application Accepted By: S. Pine Fee: \$1600  
Comments: Assigned to Shannon Pine, 645-2200, spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 767 South Third Street Zip 43206  
Is this property currently being annexed into the City of Columbus  Yes  No  
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.  
Parcel Number for Certified Address: 010-043585  
 Check here if listing additional parcel numbers on a separate page.  
Current Zoning District(s): R-2F  
Recognized Civic Association or Area Commission: German Village Commission  
Proposed use or reason for Council Variance request: Residential/Retail with Eating and Drinking Establishment  
Acreage: 0.151 Acres

**APPLICANT:** Name German Village Holdings, Ltd.  
Address 769 South Third Street City/State Columbus, Ohio Zip 43206  
Phone # 614-439-7389 Fax # \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY OWNER(S):** Name German Village Holdings, Ltd.  
Address 769 South Third Street City/State Columbus, Ohio Zip 43206  
Phone # 614-439-7389 Fax # \_\_\_\_\_ Email: \_\_\_\_\_  
 Check here if listing additional property owners on a separate page.

**ATTORNEY / AGENT**  Attorney  Agent  
Name Kristin E. Rosan & Darcy A. Shafer, Madison & Rosan, LLP  
Address 39 East Whittier Street City/State Columbus, Ohio Zip 43206  
Phone # 614-228-5600 Fax # 614-228-5601 Email: dshafer@madisonrosan.com

**SIGNATURES** (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)  
APPLICANT SIGNATURE \_\_\_\_\_ Attorney for Applicant  
PROPERTY OWNER SIGNATURE \_\_\_\_\_ Attorney for Owner  
ATTORNEY / AGENT SIGNATURE \_\_\_\_\_

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
For all questions regarding this form and fees please call: 614-645-4522  
Please make all checks payable to the Columbus City Treasurer



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## STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code  
Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of Public Streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

**I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:**

See attached Statement of Hardship

Signature of Applicant

Date

06.4.12

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Please make all checks payable to the Columbus City Treasurer

**STATEMENT OF HARDSHIP**  
**In Support of Council Variance Request**  
**767 South Third Street, Columbus, Ohio 43206**

This Statement is submitted in support of Applicant's request for a council variance, to permit certain non-conforming site conditions necessary for re-use of the existing property on South Third Street in German Village.

Applicant proposes re-use of the building with a first-floor retail with limited food and beverage service, a Laundromat, and three (3) second-story apartments. This is consistent with the existing use of the subject property. There is currently access to parking for twelve (12) via the rear access from City Park and an additional six (6) parking spaces on South Third.

The property is located within a historic preservation district, under the purview of the German Village Commission. For purposes of the council variance portion of this project, Applicant requests the following Zoning Code variances from Council:

Variance from **C.C.C. §3332.037 (R2F District)**, to allow this mixed-use proposal not otherwise permitted under the blanket R2F zoning district of German Village. The requested "use variance" would permit a first-floor commercial/retail use; specifically, the existing use as a Laundromat and retail facility with the additional use for limited food and beverage service. The current, and permitted, use of residential apartments above the commercial/retail use would remain unchanged.

Variance from **C.C.C. §3312.49 (Minimum Parking Spaces Required)**, to allow reduced onsite parking for this mixed-use building. A total of twelve (12) parking spaces are accessible from City Park Avenue, and are available for use by the subject property, but are located on the immediately adjacent parcel. Such parcel is also owned by the Applicant. As is customary in German Village, additional on-street public parking is available and expected to be utilized for the facility. Most patrons are expected to walk or bike ride, due to the small-scale neighborhood type of facility proposed.

Variance from **C.C.C. §3332.21-22 (Building Lines)**, to allow for the current structures to remain in place. The existing buildings do not meet the requirements for minimum building setback; however, the location of the buildings is consistent with the German Village area.

Variance from **C.C.C. §3332.26 (Side Yard)**, to allow for the current structures to remain in place. The existing buildings do not meet the requirements for minimum side yard setback; however, the location of the buildings relative to neighboring properties is consistent with the German Village area.

It should be noted that the previous mix of uses in this building - that being first-floor commercial and second-story apartments, would be permitted to continue without a variance today except the tasting bar formerly located in the cellar of the subject property is being relocated and thus requires a variance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KR' with a large flourish extending to the right.

MADISON & ROSAN, LLP

Kristin E. Rosan

Darcy A. Shafer

39 East Whittier Street

Columbus, Ohio 43206

614-228-5600

614-228-5601

[dshafer@madisonrosan.com](mailto:dshafer@madisonrosan.com)

Counsel for Owner/Applicant



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**AFFIDAVIT**

(See next page for instructions)

APPLICATION # CV12-029

STATE OF OHIO \_\_\_\_\_  
COUNTY OF FRANKLIN \_\_\_\_\_

Being first duly cautioned and sworn (1) NAME Darcy A. Shafer  
of (1) MAILING ADDRESS 39 East Whittier Street, Columbus, Ohio 43206

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a  
list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per CERTIFIED ADDRESS FOR ZONING PURPOSES 767 South Third Street, Columbus, Ohio 43206

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building  
and Zoning Services, on (3) \_\_\_\_\_

6/5/12

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) German Village Holdings, Ltd.  
769 South Third Street  
Columbus, Ohio 43206

APPLICANT'S NAME AND PHONE # (same as listed on front of application) German Village Holdings, Ltd.  
614-439-7389

AREA COMMISSION OR CIVIC GROUP (5) German Village Commission  
AREA COMMISSION ZONING CHAIR OR Cristin A. Moody  
CONTACT PERSON AND ADDRESS 109 North Front Street, Ground Floor, Columbus, Ohio 43215-9031

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

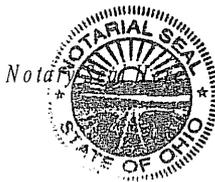
(7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT (8) \_\_\_\_\_

Subscribed to me in my presence and before me this 4th day of June, in the year 2012

SIGNATURE OF NOTARY PUBLIC (8) \_\_\_\_\_

My Commission Expires: 10/28/14



April Norris  
Notary Public, State of Ohio  
My Commission Expires 10-29-2014

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APPLICANT/OWNER:  
 German Village Holdings, Ltd.  
 769 South Third Street  
 Columbus, Ohio 43206

AREA COMMISSION:  
 German Village Commission  
 Cristin A. Moody  
 109 South Front Street, Ground Fl.  
 Columbus, Ohio 43215-9031

ATTORNEY:  
 Kristin E. Rosan  
 Madison & Rosan, LLP  
 39 East Whittier Street  
 Columbus, Ohio 43206

Kyle Katz  
 448 W Nationwide Blvd Ste 108  
 Columbus, Ohio 43215

Adam G. Schiffman  
 Aaron K. Waggle  
 760 S Third St  
 Columbus, Ohio

Jerome Smith  
 Marianne Smith  
 787 5 3rd St  
 Columbus, Ohio 43206

Kathleen E Burluson  
 Nicholas J Twining  
 790 City Park Av  
 Columbus, Ohio 43206

Joshua Markowitz  
 Julia Giblin  
 757 City Park Ave  
 Columbus Oh 43206

Nathan M Smith  
 Courtney J Smith  
 752 City Park Av  
 Columbus, Ohio 43206

John B Mccoy  
 Jane T Mccoy  
 101 E Columbus St  
 Columbus, Ohio 43206

745 City Park LLC  
 c/o Sharon Cameron  
 741 City Park Avenue  
 Columbus, Ohio 43206

Carolyn O Workman  
 Kurt Walker  
 777 City Park Ave  
 Columbus Ohio 43206

Robert J Scheibeck Tr  
 783 5 3rd St  
 Columbus Ohio 43206

Aaron R Goss  
 745 S Third St  
 Columbus, Ohio 43206

Jason L Meyer  
 Jennifer Meyer  
 784 S 3rd St  
 Columbus Ohio 43206

Rosalee R Polihronopolos  
 747 City Park Ave  
 Columbus Ohio 43206

1017 Legacy LLC  
 6717 Bethany Drive  
 Westerville, Ohio 43081

Christopher M R Canyon &  
 Jeanette L P Canyon  
 753 5 Third St  
 Columbus, Ohio 43206

Daniel M Szente &  
 Mona M Szente  
 77 E Frankfort St  
 Columbus, Ohio 43206

Marilyn A Stone  
 1406 Studer  
 Columbus, Ohio 43206

David M Ward  
 Kelly B Ward  
 784 City Park Av  
 Columbus, Ohio 43206

Ellisar Group LLC  
 4009 James River Road  
 New Albany, Ohio 43054

Richard Hilsheimer  
 758 City Park Ave  
 Columbus Ohio 43206

Ronald W Remy  
 789 S 3rd St  
 Columbus Ohio 43206

Anna K Hart  
 792 City Park Ave  
 Columbus Ohio 43206

Rosemarie Keidel-Buth  
 525 S 4<sup>th</sup> Street  
 Columbus, Ohio 43206

American Blue Ribbon Holdings  
 LLC  
 400 West 48<sup>th</sup> Ave.  
 Denver, CO 80216

Daniel R Berglund  
 7980 Berglund  
 Johnstown, Ohio 43031

Aaron J Leventhal &  
 Beth E Leventhal  
 759 City Park Av  
 Columbus, Ohio 43206

Reshma Patel  
 768 City Park Av  
 Columbus, Ohio 43206

Erie Fairchild Co  
c/o Tom Willoughby LLC  
297 South Cassady Ave  
Columbus, Ohio 43209

Louisa Shae  
Bruce Fudge  
756 City Park Ave  
Columbus Ohio 43206

John L Koslap  
791 South Lazelle Street  
Columbus, Ohio 43206

Richard B Nairn  
765 City Park Ave  
Columbus Ohio 43206

Philip Friedland Tr  
2260 Welcome Place, Apt. 507  
Columbus, Ohio 43209

Traci U Bentine  
Stacy P Richardson  
751 City Park Av  
Columbus, Ohio 43206

Melissa A Zink  
Timothy P Zink  
31 W Frankfort St  
Columbus, Ohio 43206



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## PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application. THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # CV12-029

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Darcy A. Shafer

Of [COMPLETE ADDRESS] 39 East Whittier Street, Columbus, Ohio 43206

deposes and states that [he/she] is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following formats

- Name of business or individual
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

1. German Village Holdings, Ltd. 769 South Third Street Columbus, Ohio 43206 No. Employees: 0 614-439-7389	2. German Village Services, Ltd. 769 South Third Street Columbus, Ohio 43206 No. of Employees: 2 614-439-7389
3. Julie D'Elia 769 South Third Street Columbus, Ohio 43206 No. Employees: N/A 614-439-7389	4. Debora Faye Muncie 769 South Third Street Columbus, Ohio 43206 No. Employees: N/A 614-439-7389

Check here if listing additional parties on a separate page.

### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 4th day of June, in the year 2012

### SIGNATURE OF NOTARY PUBLIC

My Commission Expires: 10/29/14



April Norris  
Notary Public, State of Ohio  
My Commission Expires 10-29-2014

This Project Disclosure Statement expires six months after date of notarization.

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# City of Columbus Zoning Plat

CV12-029

## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 010043585

Zoning Number: 767

Street Name: S 3RD ST

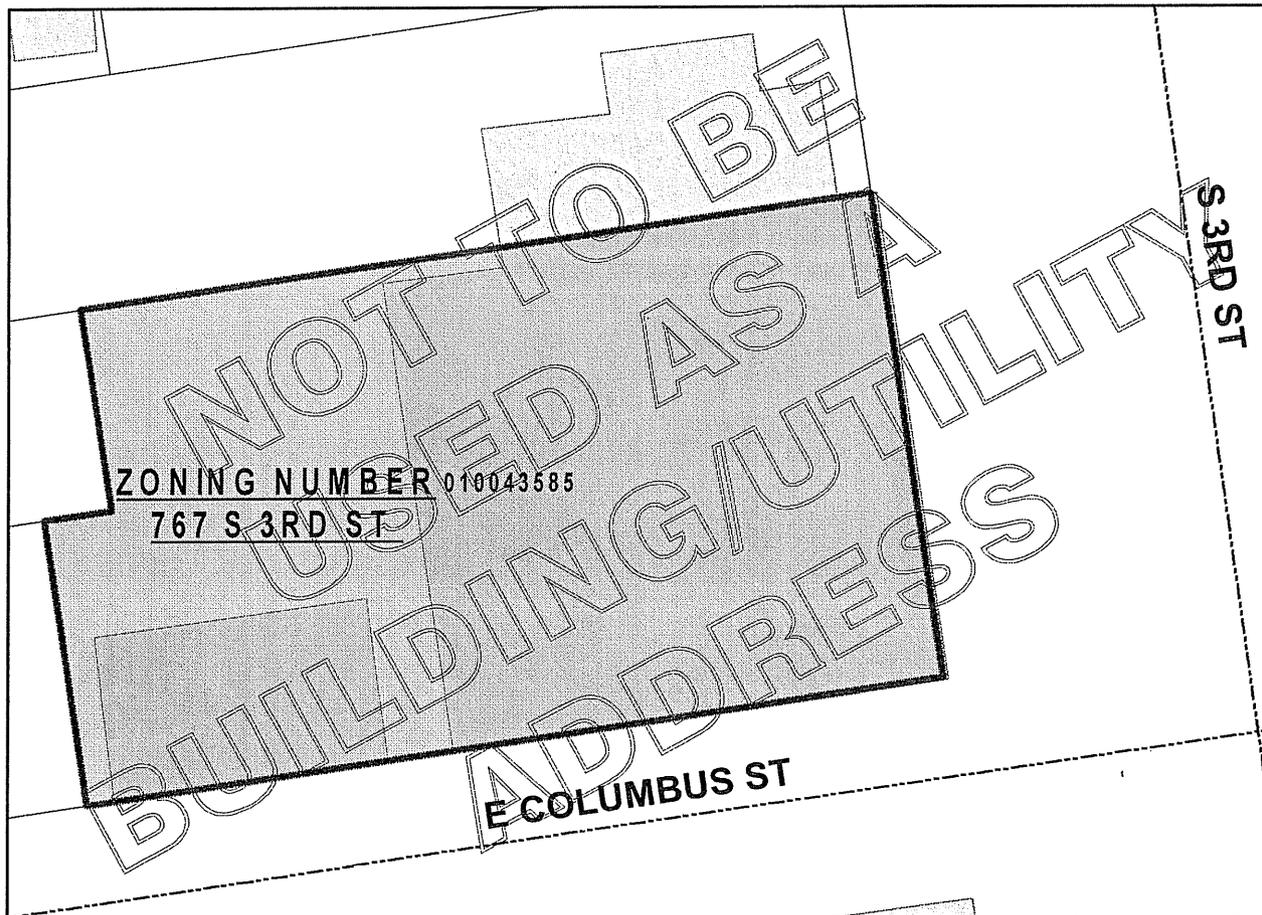
Lot Number: 24

Subdivision: JAEGER

Requested By: MADISON & ROSAN, LLP (DARCY SHAFER)

Issued By: *Patricia Austin*

Date: 4/12/2012



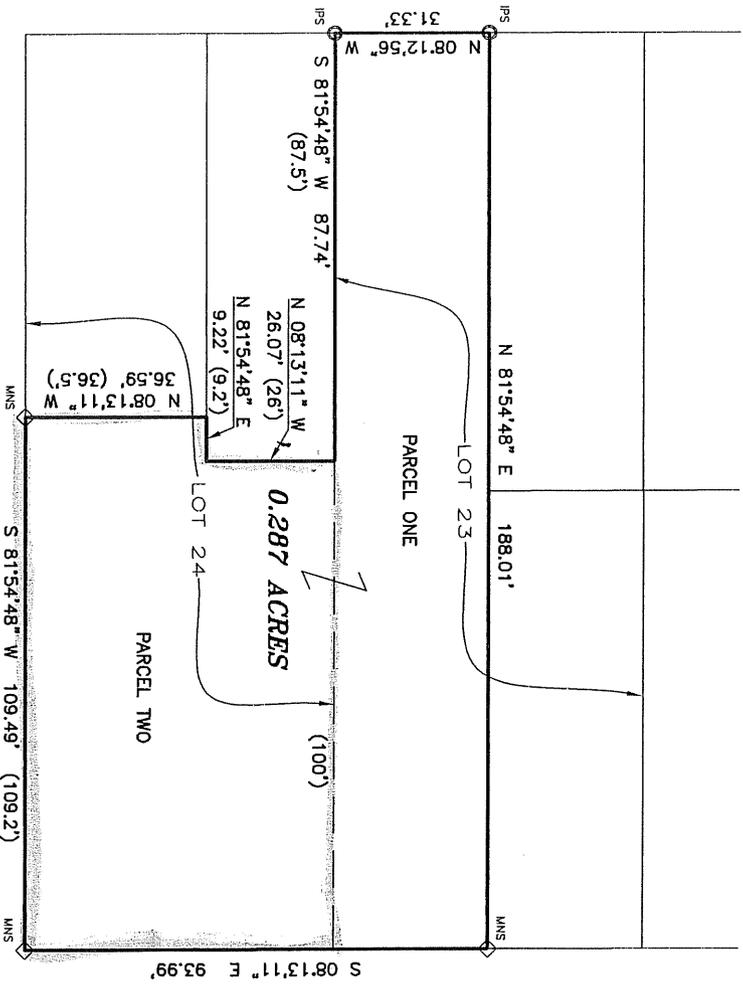
SCALE: 1 inch = 25 feet

GIS FILE NUMBER: 7763



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

Cv12-029



**LEGEND**

- ◇ MNS MAG NAIL SET
- IPS IRON PIN SET
- (xxx') RECORD DISTANCE

**DEED REFERENCE:**

GERMAN VILLAGE HOLDINGS, LTD. O.R. 31555001

**0.287 ACRES**

SURVEY OF  
LYING IN  
PART LOTS 23 & 24 C.F. JARGER'S SECOND ADDITION  
PLAT BOOK 38, PAGE 403  
CITY OF COLUMBUS, COUNTY OF FRANKLIN  
STATE OF OHIO



**LS LANDMARK SURVEY**  
**GI GROUP, INCORPORATED**

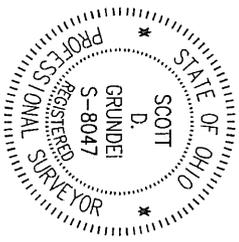
2099 WEST FIFTH AVENUE, COLUMBUS, OHIO 43212  
PHONE: (614) 485-9000 FAX: (614) 485-9003  
DATE: 6/1/12 FILE NO. 137803

**BASIS OF BEARINGS:**

THE BEARINGS SHOWN HEREON ARE BASED ON THE ASSUMED BEARING OF S 08°13'11" E FOR THE WESTERN RIGHT-OF-WAY LINE OF SOUTH THIRD STREET, AND ARE INTENDED TO DENOTE ANGLES ONLY.

**NOTE:**

THIS SURVEY DOES NOT REPRESENT ANY EASEMENTS THAT MAY AFFECT THIS TRACT AND DOES NOT REPRESENT ANY UNDERGROUND UTILITIES THAT MAY AFFECT THIS TRACT. ALL IRON PINS SET ARE 3/4" I.D. IRON PIPES 30" LONG, W/ RED PLASTIC CAP STAMPED "LANDMARK SURVEY".



I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM ANY ON THE GROUND SURVEY MADE UNDER MY SUPERVISION IN MAY OF 2012 AND THAT IT AND THE INFORMATION, COUSERS AND DISTANCES AS SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

*Scott D. Grunzel*  
SCOTT D. GRUNDEL, P.S.  
REGISTERED SURVEYOR NO. 8047

DATE: 6/1/12

DRAWN BY: TNW

CV12-029

LEGAL DESCRIPTION

Situated in the State of Ohio, in the County of Franklin and in the City of Columbus, and bounded and described as follows:

Being a part of Lot Number Twenty-four (24) in C.F. Jaeger's Second Addition to Columbus, Ohio as said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 38, page 403, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the Northeast corner of said Lot Twenty-four (24), thence in a Westerly direction along the North line of said Lot, 100 feet to a point; thence in a Southerly direction on a line parallel with the East line of said Lot, 26 feet to a point; thence in a Westerly direction and parallel with the North line of said Lot, 9.2 feet to an iron pin; thence in a Southerly direction and parallel with the East line of said Lot, 36.5 feet to an iron pin in the South line of said Lot; thence in an Easterly direction along the South line of said Lot, 109.2 feet to a point in the East line of said Lot; thence in a Northerly direction along the East line of said Lot, 62.5 feet to the place of beginning.



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S      DATE: 4/12/12



Disclaimer

Scale = 60

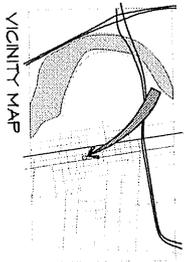
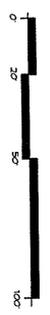


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.



1 SITE PLAN

SCALE 1/32"



**LEGEND**

- PROPERTY LINE
- - - RIGHT OF WAY
- - - PARCELS
- + ELEVATION
- PARKING

**LOT INFO**

PARCEL ID: 010-043526-00  
 ZONE: I23-095, R2F-H45  
 ACCESSED AVERAGE: 0151  
 BLDG SQUARE FEET: 11,710

SHEET INFORMATION  
 SHEET NO. 0911.2012  
 DATE: 05/11/2012

SCALE: AS INDICATED  
 SHEET NO. **A0 01**

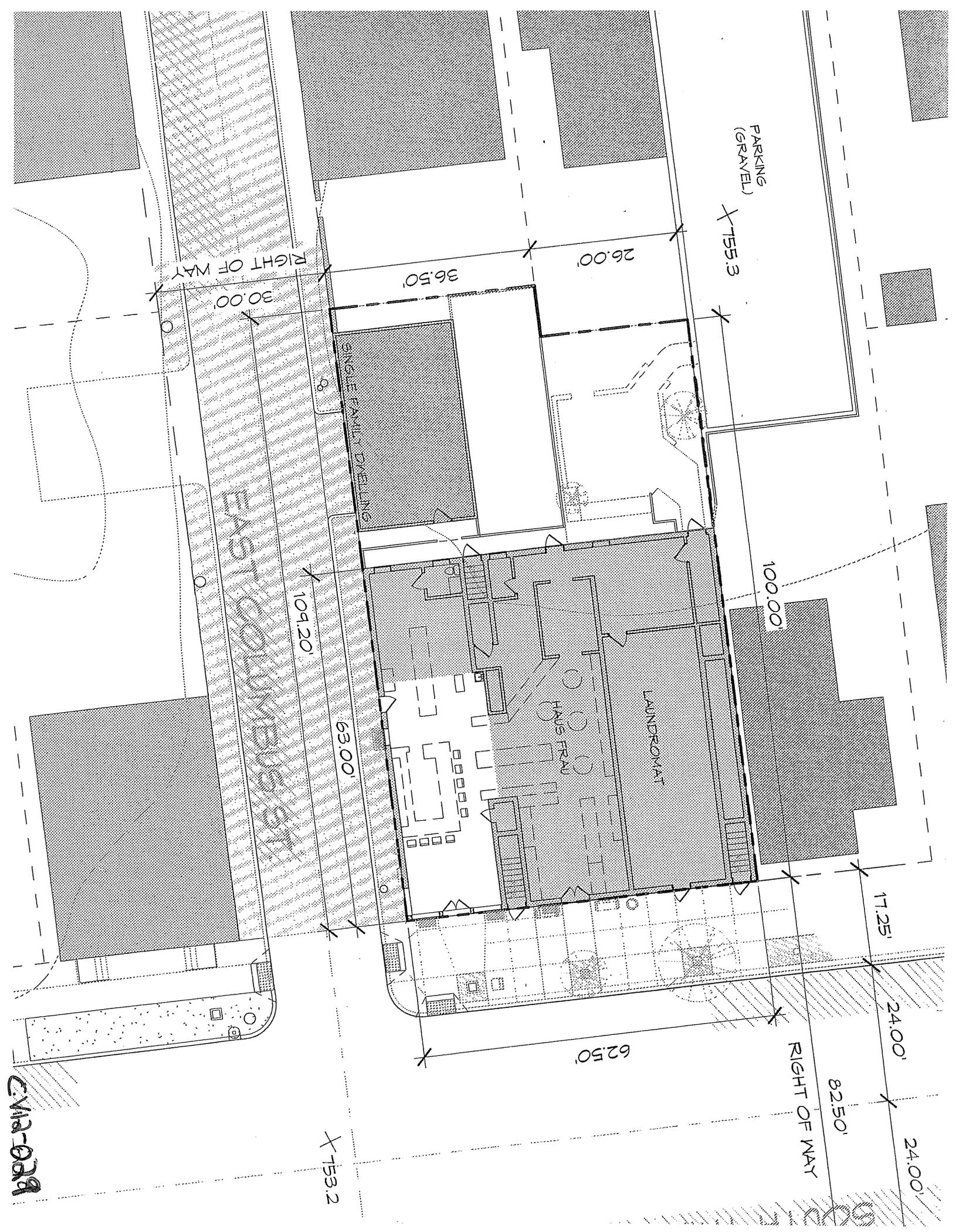
PROJECT: SITE PLAN

ZONING VARIANCE

PROJECT NO. 0911.2012

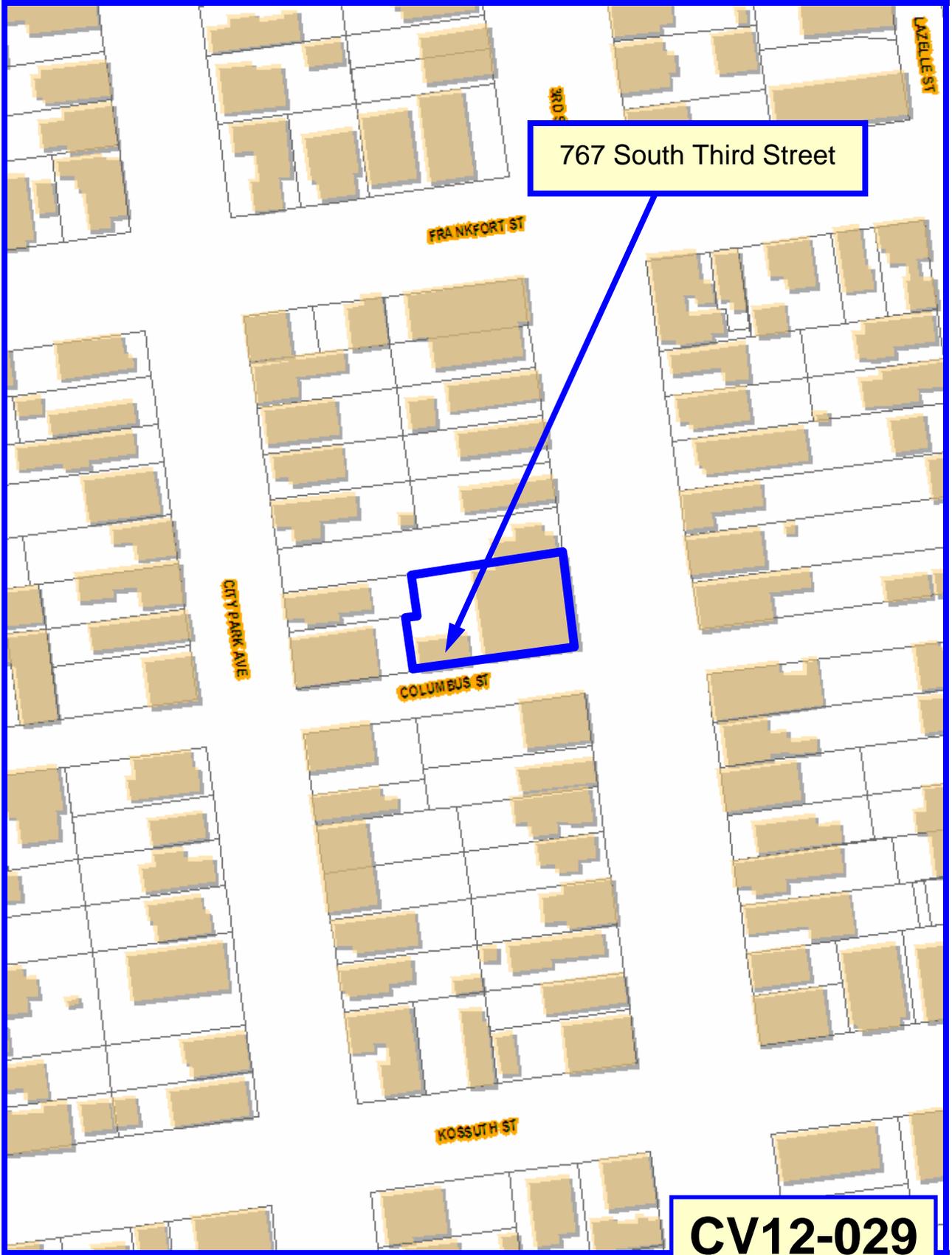
**HAUS FRAU HAVEN**  
 GERMAN VILLAGE HOLDINGS, LTD.  
 164 SOUTH THIRD STREET COLUMBUS, OHIO 43206

CV12-029



CVIA-028





767 South Third Street

**CV12-029**



767 South Third Street



CV12-029